

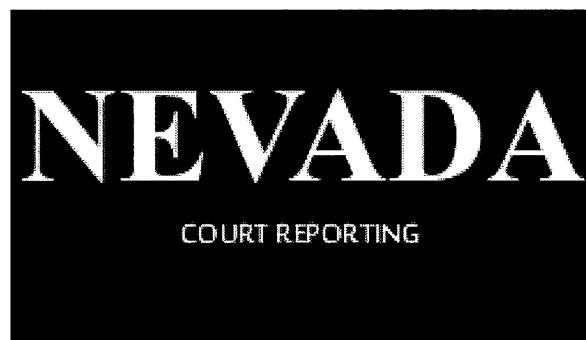
EXHIBIT

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Michael Bondi

Michael Bondi vs. Nationstar Mortgage, LLC

March 9th, 2016



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	<p style="text-align: center;">I N D E X</p> <p>WITNESS: MICHAEL BONDI</p> <p>EXAMINATION</p> <p>Examination By Ms. Schmidt</p> <p>INDEX TO EXHIBITS</p> <p>EXHIBIT</p> <p><u>Exhibit A</u> First mortgage Mr. Bondi took out on his property</p> <p><u>Exhibit B</u> Second mortgage Mr. Bondi took out on property</p>

<p>1 attorney also make her appearance for the record.</p> <p>2 MS. FULLER: Rebecca Fuller, Bar No. 9809.</p> <p>3 BY MS. SCHMIDT:</p> <p>4 Q. Mr. Bondi, have you been deposed before?</p> <p>5 A. Yes.</p> <p>6 Q. Approximately how many times?</p> <p>7 A. For civil case, at least once. And as a</p> <p>8 former police officer, I have given testimony in</p> <p>9 criminal cases.</p> <p>10 Q. In the civil case where you have been deposed</p> <p>11 before, what was that case -- what was the subject</p> <p>12 matter of that case?</p> <p>13 A. That was the -- a suit that I had brought</p> <p>14 against AAA back in 2007, I believe. I think I was</p> <p>15 deposed in 2009 or 2010.</p> <p>16 Q. Was that in Nevada?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Well, since you haven't been deposed in</p> <p>19 a couple of years, I'm going to go over a couple of, I</p> <p>20 guess, sort of ground rules that we have for these</p> <p>21 things. First of all, the oath that you just took is</p> <p>22 the same oath that you'd take in a court of law and</p> <p>23 carries with it the same penalties of perjury. Do you</p> <p>24 understand that?</p> <p>25 A. Yes.</p>	<p>5</p> <p>1 A. Yes.</p> <p>2 Q. If at any time you need to take a break, you</p> <p>3 can just let us know. What we'll do is we'll make sure</p> <p>4 that any question that I have pending, that you answer</p> <p>5 before we go on break. But if you need a break, just</p> <p>6 let us know. Do you understand that?</p> <p>7 A. Yes.</p> <p>8 Q. All right. Are you under the influence of any</p> <p>9 drugs or alcohol that might affect your ability to</p> <p>10 testify today?</p> <p>11 A. No.</p> <p>12 Q. Any medication that might affect your ability</p> <p>13 to testify today?</p> <p>14 A. No.</p> <p>15 Q. And is there any other reason why you might</p> <p>16 not be able to testify completely and truthfully today?</p> <p>17 A. Nope.</p> <p>18 Q. Okay. We're going to start with just a little</p> <p>19 bit of background about yourself before we get into</p> <p>20 some of the stuff about your lawsuit. Can you describe</p> <p>21 your education for me?</p> <p>22 A. I graduated high school in West Los Angeles,</p> <p>23 California in 1992. I proceeded to obtain 64 college</p> <p>24 units towards an A.S. degree at Los Angeles Valley</p> <p>25 College and Administration of Justice.</p>
<p>6</p> <p>1 Q. And the court reporter is here to take down</p> <p>2 everything that everybody says. So if you let me</p> <p>3 finish my questions before you start answering, I will</p> <p>4 let you finish your answers before I start another</p> <p>5 question, and then we will have a very clear record.</p> <p>6 Do you understand that?</p> <p>7 A. Yes.</p> <p>8 Q. Also, the court reporter can't take head</p> <p>9 shakes or gestures, so it's important that you answer</p> <p>10 audibly. Do you understand that?</p> <p>11 A. Yes.</p> <p>12 Q. From time to time, your attorney might object</p> <p>13 to some of my questions for any number of reasons.</p> <p>14 What we'll do is we'll let her finish her objections.</p> <p>15 And then unless she instructs you not to answer, you go</p> <p>16 ahead and answer the question. Do you understand that?</p> <p>17 A. Yes.</p> <p>18 Q. I'm entitled to your best estimates, but not</p> <p>19 guesses. You understand the difference between a guess</p> <p>20 and an estimate?</p> <p>21 A. Yes.</p> <p>22 Q. For instance, you could estimate the length of</p> <p>23 this table, but you couldn't tell me the length of my</p> <p>24 desk in my office because you have never been there;</p> <p>25 correct?</p>	<p>8</p> <p>1 Q. And can you tell me approximately when it was</p> <p>2 that you last attended college?</p> <p>3 A. 2002.</p> <p>4 Q. And can you tell me what your current</p> <p>5 occupation is?</p> <p>6 A. I'm a realtor.</p> <p>7 Q. And approximately how long have you been a</p> <p>8 realtor?</p> <p>9 A. This will be my 12th year.</p> <p>10 Q. Prior to becoming a realtor, what was your</p> <p>11 occupation?</p> <p>12 A. I was a police officer.</p> <p>13 Q. Were you a police officer in Nevada?</p> <p>14 A. No.</p> <p>15 Q. Were you a police officer in California?</p> <p>16 A. Yes.</p> <p>17 Q. With respect to your occupation as a realtor,</p> <p>18 do you have any certifications or training or ongoing</p> <p>19 education that you do with respect to that?</p> <p>20 A. Yes. I have numerous designations. The first</p> <p>21 one was just earned in June of 2015. It's a CRS</p> <p>22 designation, which stands for Certified Residential</p> <p>23 Specialist. Only the top three percent of all realtors</p> <p>24 in -- in any realtor capacity earn that designation.</p> <p>25 I'm also an accredited buyer's representative,</p>

1 which is ABR. I earned that back in -- I believe 2 '06 or '07. I'm not 100 percent sure on the date. 3 Also, I'm certified as an E-Pro, which is 4 Electronic Internet Technology Specialist in regards to 5 real estate. I have also been certified in short sales 6 and foreclosures by the National Association of 7 Realtors, which is an SFR designation, which was earned 8 in -- I believe 2009 or 2010. And then I -- I take two 9 years -- every two years, I take 24 continuing 10 educational units to renew my license. 11 Q. With respect to your training and 12 designations, does that include education with respect 13 to mortgage lending? 14 A. There's some aspects of it with the short 15 sales and foreclosure training. It relates to the 16 short sale or foreclosure process, so I would assume 17 that would be part of mortgage lending. 18 Q. Okay. Can you describe some of the specifics 19 of your training with respect to short sales and 20 foreclosure processes? 21 A. A lot of it was more or less on-the-job 22 training. I have also been mentored by other short 23 sale experts before I started doing them. A lot of it 24 was also just interaction with bank employees, loss 25 mitigators, customer service reps, things like that.	9	1 Q. -- so we won't hold you -- 2 A. Okay. 3 Q. -- you know, to any exact date. 4 A. Specific -- 100 percentage, I don't know. 5 Q. Do you recall the approximate purchase price? 6 A. I'm going to estimate at -- I believe it was 7 \$363,000. 8 Q. And to finance the purchase of the property, 9 you took out two loans; is that correct? 10 A. Yes. 11 Q. And there was a first deed of trust -- I'm 12 going to hand you what we'll mark as <u>Exhibit A</u> . 13 (<u>Exhibit A</u> marked.) 14 BY MS. SCHMIDT: 15 Q. And if you would just take a minute and sort 16 of page through it a little bit. 17 And on what's marked at the bottom of page 13 18 of 14, does that appear to be your signature? 19 A. Yes. 20 Q. And do you have any reason to believe that 21 this isn't the first mortgage that you took out on your 22 property? 23 A. No, I do not. 24 Q. Okay. All the terms in the first couple of 25 pages and everything appear to be what you recall	11
10	10	1 Q. Is the training with respect to foreclosures 2 the resale of foreclosures or -- 3 A. Some of it was -- I would say on-the-job 4 training, as far as understanding the foreclosure 5 process or the resale process. When I have dealt with 6 buyers -- let's say a buyer's purchased a foreclosed 7 property, so, yes, I have dealt with that before. 8 Q. Okay. And so the property that you're the 9 former owner of, that was 9332 Golden Grape Court; is 10 that correct? 11 A. Yes. 12 Q. So when I refer to the property in this 13 deposition, I'm referring to that. Do you understand 14 that? 15 A. Yes. 16 Q. Okay. Perfect. So you purchased the property 17 in August of 2006; is that correct? 18 A. I think I was under contract in August, but I 19 think we closed in September. 20 Q. Okay. 21 A. So I'll just estimate that. I don't remember 22 the exact date. 23 Q. And that's fine. I understand a lot of this 24 is -- well, now going on ten years ago -- 25 A. Yeah.	12
		1 agreeing to? 2 A. Yes. 3 Q. Okay. 4 (<u>Exhibit B</u> marked.) 5 BY MS. SCHMIDT: 6 Q. I am going to hand you what we will mark as 7 <u>Exhibit B</u> . And sort of the same thing with this one, 8 if you could, just look at it, glance it over. On 9 what's marked as page 6 of 7, does that appear to be 10 your signature there? 11 A. Yes. 12 Q. And does this appear to be the second mortgage 13 that you took out on the property? 14 A. Yes. 15 Q. Can you describe why you decided to take out a 16 first and second mortgage as opposed to any other type 17 of financing? 18 A. I really don't remember. I believe that at 19 that time, that was the specific loan program that the 20 loan officer had suggested to me. 21 Q. And did you have a relationship with the loan 22 officer that you were using through your occupation? 23 A. Yes. At that time, her name was Susan Deute. 24 And I think she did a couple of loans for other buyers 25 of mine.	

<p>1 Q. And in the lawsuit that you filed against 2 Bank of America and Nationstar, is it really -- is it 3 the first loan -- first deed of trust that's at issue, 4 or issues with the second that are at issue in your 5 lawsuit?</p> <p>6 A. It's the second.</p> <p>7 Q. Do you recall when you stopped making payments 8 on your loan?</p> <p>9 A. I would estimate February of 2008, I believe, 10 February or March. Somewhere around there. I'm not 11 100 percent sure.</p> <p>12 Q. And can you just briefly describe the 13 circumstances that led up to that? I believe that 14 there had been mention of a car accident that you were 15 in?</p> <p>16 A. Yes, that's correct. On or about November 14, 17 2006, I was stopped at a stoplight right here at 18 Charleston and Apple Lane, and a vehicle failed to stop 19 and rear-ended me, launching me into the intersection.</p> <p>20 Q. And did the car accident leave you unable to 21 work for some period of time?</p> <p>22 A. Yes.</p> <p>23 Q. Do you know approximately when you returned to 24 work following the injuries sustained in the car 25 accident?</p>	<p>13</p> <p>1 dispute anything having to do with the foreclosure 2 process afterwards?</p> <p>3 A. No. Not the legal foreclosure process, no.</p> <p>4 Q. You indicate that Bank of America, following 5 the foreclosure, agreed to forgive the amount owed on 6 your second loan; is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. Do you know approximately when that agreement 9 was entered into?</p> <p>10 A. I started talking to Bank of America, I 11 believe, in April of 2010, and I think the re -- the 12 final resolution was sometime in November of 2010.</p> <p>13 Q. And the agreement where Bank of America agreed 14 to forgive the amount on the second, was that in 15 writing?</p> <p>16 A. Yes, it was.</p> <p>17 Q. And have you produced a copy of that to your 18 attorney?</p> <p>19 A. I produced what I believe were several secure 20 Bank of America e-mails that I no longer have access 21 to. But nothing specifically other than credit reports 22 that indicate that I did have a zero balance.</p> <p>23 Q. So the agreement to forgive was contained in a 24 secured e-mail?</p> <p>25 A. Yes.</p>
<p>14</p> <p>1 A. It was sporadic through '07 and '08. I would 2 say more or less towards the summer of '08 I really 3 started going back to full-time work, because I had to 4 endure two surgeries and a lot of medical treatment for 5 the year of '07.</p> <p>6 Q. And so the property, the 9332 Golden Grape, 7 was foreclosed on in June of 2009; is that correct?</p> <p>8 A. Yes.</p> <p>9 Q. Did you contest anything having to do with the 10 foreclosure?</p> <p>11 A. The actual legal process of the foreclosure or 12 during the time of the foreclosure? I'm just trying to 13 understand your question a little bit better.</p> <p>14 Q. Okay. Well, yes. Let's ask it as two 15 separate questions. It's probably better that way.</p> <p>16 During the foreclosure process, did you 17 contest any of the foreclosure process or try to do 18 anything to stop the foreclosure?</p> <p>19 A. Yes. I received numerous short sale offers on 20 the property. I listed the property for almost two 21 years, and I -- I at least found -- I think at least 22 six offers that I submitted to you under discovery. 23 And I believe there were actually more, but I just 24 couldn't find them.</p> <p>25 Q. And so following the foreclosure sale, did you</p>	<p>14</p> <p>1 Q. And did Bank of America ask for you to give 2 them anything or make any promises to them in exchange 3 for their agreement to forgive the balance?</p> <p>4 A. Some of the representatives that I had talked 5 to -- I had basically started talking to them about, 6 you know, suing them for the irregular credit reporting 7 that they were doing and the discovery of the creditors 8 insurance, things like that. And they had basically 9 had said, Well, if you're not going to sue us, we'll 10 update your credit report and we'll fix it, and we'll 11 investigate it. And I said, Okay. Fine. And during 12 that six or seven-month process between April and 13 November of 2010, I just thought everything was being 14 worked out. And then when I started seeing my credit 15 reports being reported as zero balance, I took that 16 that everything was being agreed to.</p> <p>17 Q. And in the secured e-mails, did a Bank of 18 America representative specifically say that they would 19 waive their right to collect on the second?</p> <p>20 A. More or less, yes. I had looked at some of 21 the letters and e-mails, and I interpret those as full 22 release letters, yes. Especially over the amount of 23 times and especially with the actions that subsequently 24 resulted in almost four years of zero balance credit 25 reporting, so yes. I definitely believe that.</p>

<p>1 Q. Did Bank of America ask you to sign a written 2 agreement that you wouldn't sue them if they didn't 3 seek collection on the second?</p> <p>4 A. No, I don't believe so.</p> <p>5 Q. And I think in one of your answers you had 6 mentioned that you had discovered -- there was 7 discovery of creditor's insurance; is that correct?</p> <p>8 A. Yes.</p> <p>9 Q. What do you mean by that?</p> <p>10 A. Upon going through the investigation process 11 of my own short sale, why I was denied, it was revealed 12 to me by one of -- I don't know if it was a Countrywide 13 employee or if it was a Bank of America employee, but I 14 think it was sometime right around the merger. One of 15 the Bank of America employees I was working with, he 16 had mentioned the problems with the short sales were 17 because there was additional creditor's insurance added 18 onto my file, and they were requesting a promissory 19 note to be signed to okay the short sale. So he 20 started telling me that it was through Old Republic 21 Insurance, and that's when I started investigating and 22 finding out why this thing called creditor's insurance 23 was applied after we had closed on my loan back in 24 August or September '06.</p> <p>25 Q. And do you believe that Bank of America or</p>	<p>17</p> <p>1 America; is that correct?</p> <p>2 A. I have never said that.</p> <p>3 Q. Have you ever been involved in any lawsuits 4 against Bank of America prior to this one?</p> <p>5 A. No.</p> <p>6 Q. With respect to the credit reporting, when did 7 you believe that Bank of America first reported 8 incorrectly, approximately?</p> <p>9 A. July of '09, right after the foreclosure.</p> <p>10 Q. What was the inaccurate reporting in July of 11 2009?</p> <p>12 A. It kept showing me as missing monthly payments 13 rather than it being a foreclosed property. So it kept 14 showing as an open foreclosure, but missing the 15 payments consecutively for -- I would say at least a 16 year after the foreclosure, and that's what started the 17 conversations in April of 2010. So I would say from 18 July of '09 to April of 2010, if not longer, those 19 reports were inaccurate.</p> <p>20 Q. And was that reporting on the first or the 21 second or both?</p> <p>22 A. Both.</p> <p>23 Q. And when was that resolved, with at least 24 Bank of America?</p> <p>25 A. I believe like November of 2010 with a</p>
<p>18</p> <p>1 Nationstar received payment from Old Republic on either 2 of your mortgages?</p> <p>3 A. Yes, I do.</p> <p>4 Q. And what's the basis for that belief?</p> <p>5 A. When I had contacted Carol Burns at 6 Old Republic Insurance, she advised me that there was a 7 payout on the first, and that there was also a claim 8 against the second. But she had no information on 9 that.</p> <p>10 Q. Did you ever receive correspondence from 11 Bank of America or Nationstar indicating that a 12 mortgage insurance claim was denied?</p> <p>13 A. No.</p> <p>14 Q. Have you ever seen any correspondence from 15 Bank of America or Nationstar indicating that they had 16 made a mortgage insurance claim and that claim had been 17 denied?</p> <p>18 A. No, not that I believe so. Or do you know 19 what? I think -- I think there was an actual 20 letter -- before we actually filed this lawsuit, I 21 think there was just showing a payment history. I 22 don't think there was anything about insurance claims. 23 I don't remember if there was or not.</p> <p>24 Q. In some of your social media, you claim that 25 you've won two previous lawsuits against Bank of</p>	<p>20</p> <p>1 reporting of December 2010.</p> <p>2 Q. And has Bank of America done any incorrect 3 reporting following that time period that you are aware 4 of?</p> <p>5 A. Following which time frame?</p> <p>6 Q. Following the resolution in November, 7 December of 2010?</p> <p>8 A. Yes. I would say -- I would estimate 9 probably, what, in August of 2013 they started 10 reporting it as -- instead of it a closed zero balance, 11 it was now transferred to another servicer.</p> <p>12 Q. And was that Bank of America that was 13 reporting in 2013 or Nationstar?</p> <p>14 A. Well, both of them at one point were actually 15 reporting me. So it actually looked like I had three 16 open real estate accounts at the same time.</p> <p>17 Q. Okay. Were you able to resolve the issues in 18 2013 with Bank of America?</p> <p>19 A. No.</p> <p>20 Q. And you had indicated that following the 21 foreclosure, both loans were showing as missing monthly 22 payments; is that correct?</p> <p>23 A. Yes.</p> <p>24 Q. And that continued for approximately one year 25 following the foreclosure; is that correct?</p>

<p>1 A. Almost a year, yeah.</p> <p>2 Q. Okay.</p> <p>3 A. I would estimate -- well, at least July of</p> <p>4 '09 to probably -- do you know what? Probably -- yeah.</p> <p>5 From at least July of '09 to November, December 2010.</p> <p>6 Q. Okay. Did you believe that you didn't owe any</p> <p>7 monthly payments on the second loan following the</p> <p>8 foreclosure?</p> <p>9 A. Yes.</p> <p>10 Q. And what was your basis for that belief?</p> <p>11 A. From what was agreed upon with Bank of</p> <p>12 America.</p> <p>13 Q. And that was the agreement in -- after the</p> <p>14 negotiations from April 2010 to November 2010?</p> <p>15 A. Yes. And then subsequent reporting of zero</p> <p>16 balances on both accounts.</p> <p>17 Q. I'm going to go through a couple of things</p> <p>18 that are in your complaint against Bank of America and</p> <p>19 Nationstar. So I have a copy --</p> <p>20 A. Okay.</p> <p>21 Q. -- for you and your attorney, just sort</p> <p>22 of -- and I will just try to go through them</p> <p>23 sequentially.</p> <p>24 A. Okay.</p> <p>25 Q. Turning on page 2, I'm looking at the</p>	<p>21</p> <p>1 loan or have it be serviced by a third party.</p> <p>2 Q. Going on to the next page, looking at</p> <p>3 paragraph 16 where it says: On approximately June 4,</p> <p>4 2014, Bondi received a letter from Bank of America</p> <p>5 stating that the second mortgage account -- the account</p> <p>6 was being sold and transferred to Nationstar and that</p> <p>7 Bondi owed approximately \$69,000 to Nationstar.</p> <p>8 Do you see where it says that?</p> <p>9 A. Yes, I do.</p> <p>10 Q. Okay. And is that when you believed that</p> <p>11 Nationstar was going to try to collect on this account?</p> <p>12 A. Yes.</p> <p>13 Q. And what did you do in response to receiving</p> <p>14 that letter?</p> <p>15 A. I had contacted Bank of America's Office of</p> <p>16 the President, CEO in North -- North Carolina.</p> <p>17 Q. And what was the outcome of your</p> <p>18 communications with the Office of the CEO?</p> <p>19 A. At first they said they would start looking</p> <p>20 into my situation on one of the recorded phone calls</p> <p>21 that I had with Dorie Galfmaker. She admitted three</p> <p>22 times during the conversation that I did, in fact, have</p> <p>23 a zero balance and that they were also at the same time</p> <p>24 trying to collect mortgage insurance from Old Republic.</p> <p>25 And so at that point, I had asked her then, If you're</p>
<p>22</p> <p>1 paragraph numbered -- paragraph 10, where it says: On</p> <p>2 or about June 4, 2009, a property located at</p> <p>3 9332 Golden Grape Court, Las Vegas, Nevada 89148, owned</p> <p>4 by Bondi and secured by first and second mortgage loans</p> <p>5 from Countrywide, which later became Bank of America,</p> <p>6 was foreclosed upon. In looking at the deeds of trusts</p> <p>7 that we've marked as <u>Exhibit A</u> and B, it appears the</p> <p>8 lender was CFFF, LLC, doing business as Greystone</p> <p>9 Financial Group. Is it -- with the information about</p> <p>10 who you obtained your loan from in paragraph 10 be</p> <p>11 inaccurate?</p> <p>12 A. I'm not sure how you want me to answer that</p> <p>13 question. Because Greystone is the actual loan</p> <p>14 company, and my belief is that Greystone sold that loan</p> <p>15 to Countrywide for it to be serviced by Countrywide.</p> <p>16 So if you are asking -- I don't know if you want to</p> <p>17 rephrase that question. But my belief is Greystone is</p> <p>18 who I went to to get the loan, and then they</p> <p>19 subsequently sold it off to Countrywide to be serviced</p> <p>20 by Countrywide.</p> <p>21 Q. Okay. And what's your basis for the belief</p> <p>22 that the loans were sold to Countrywide?</p> <p>23 A. I believe in my loan docs it actually</p> <p>24 says -- there's an actual cause -- clause in there that</p> <p>25 they would actually -- more than likely sell off the</p>	<p>22</p> <p>1 trying to collect the insurance and I have a zero</p> <p>2 balance, then how do I owe you \$70,000, and why are you</p> <p>3 selling it to Nationstar?</p> <p>4 Q. Okay. And then in the very next paragraph,</p> <p>5 No. 17, it talks about a letter you had sent to</p> <p>6 Nationstar in July of 2013. Did you send that letter</p> <p>7 because you believe Nationstar was going to try to</p> <p>8 collect on the account that you believe had a zero</p> <p>9 balance?</p> <p>10 MS. FULLER: Just to clarify, it doesn't</p> <p>11 mention a letter in that paragraph.</p> <p>12 MS. SCHMIDT: Oh, I apologize. Well, let me</p> <p>13 clarify that. Thanks.</p> <p>14 BY MS. SCHMIDT:</p> <p>15 Q. How did you contact Nationstar in July of</p> <p>16 2013?</p> <p>17 A. First I contacted their customer service line,</p> <p>18 then I researched on the Internet. They also have a</p> <p>19 CEO and president of Nationstar. I contacted that -- I</p> <p>20 believe her name was Sarah. They don't give your</p> <p>21 last -- they don't give their last name. I spoke with</p> <p>22 Sarah a couple of times. The problem that I had with</p> <p>23 all of this is during this time, not all of Bank of</p> <p>24 America's records were transferred to Nationstar. So</p> <p>25 Nationstar didn't even know who I was for like a month,</p>
<p>1 A. Almost a year, yeah.</p> <p>2 Q. Okay.</p> <p>3 A. I would estimate -- well, at least July of</p> <p>4 '09 to probably -- do you know what? Probably -- yeah.</p> <p>5 From at least July of '09 to November, December 2010.</p> <p>6 Q. Okay. Did you believe that you didn't owe any</p> <p>7 monthly payments on the second loan following the</p> <p>8 foreclosure?</p> <p>9 A. Yes.</p> <p>10 Q. And what was your basis for that belief?</p> <p>11 A. From what was agreed upon with Bank of</p> <p>12 America.</p> <p>13 Q. And that was the agreement in -- after the</p> <p>14 negotiations from April 2010 to November 2010?</p> <p>15 A. Yes. And then subsequent reporting of zero</p> <p>16 balances on both accounts.</p> <p>17 Q. I'm going to go through a couple of things</p> <p>18 that are in your complaint against Bank of America and</p> <p>19 Nationstar. So I have a copy --</p> <p>20 A. Okay.</p> <p>21 Q. -- for you and your attorney, just sort</p> <p>22 of -- and I will just try to go through them</p> <p>23 sequentially.</p> <p>24 A. Okay.</p> <p>25 Q. Turning on page 2, I'm looking at the</p>	<p>21</p> <p>1 loan or have it be serviced by a third party.</p> <p>2 Q. Going on to the next page, looking at</p> <p>3 paragraph 16 where it says: On approximately June 4,</p> <p>4 2014, Bondi received a letter from Bank of America</p> <p>5 stating that the second mortgage account -- the account</p> <p>6 was being sold and transferred to Nationstar and that</p> <p>7 Bondi owed approximately \$69,000 to Nationstar.</p> <p>8 Do you see where it says that?</p> <p>9 A. Yes, I do.</p> <p>10 Q. Okay. And is that when you believed that</p> <p>11 Nationstar was going to try to collect on this account?</p> <p>12 A. Yes.</p> <p>13 Q. And what did you do in response to receiving</p> <p>14 that letter?</p> <p>15 A. I had contacted Bank of America's Office of</p> <p>16 the President, CEO in North -- North Carolina.</p> <p>17 Q. And what was the outcome of your</p> <p>18 communications with the Office of the CEO?</p> <p>19 A. At first they said they would start looking</p> <p>20 into my situation on one of the recorded phone calls</p> <p>21 that I had with Dorie Galfmaker. She admitted three</p> <p>22 times during the conversation that I did, in fact, have</p> <p>23 a zero balance and that they were also at the same time</p> <p>24 trying to collect mortgage insurance from Old Republic.</p> <p>25 And so at that point, I had asked her then, If you're</p>
<p>22</p> <p>1 paragraph numbered -- paragraph 10, where it says: On</p> <p>2 or about June 4, 2009, a property located at</p> <p>3 9332 Golden Grape Court, Las Vegas, Nevada 89148, owned</p> <p>4 by Bondi and secured by first and second mortgage loans</p> <p>5 from Countrywide, which later became Bank of America,</p> <p>6 was foreclosed upon. In looking at the deeds of trusts</p> <p>7 that we've marked as <u>Exhibit A</u> and B, it appears the</p> <p>8 lender was CFFF, LLC, doing business as Greystone</p> <p>9 Financial Group. Is it -- with the information about</p> <p>10 who you obtained your loan from in paragraph 10 be</p> <p>11 inaccurate?</p> <p>12 A. I'm not sure how you want me to answer that</p> <p>13 question. Because Greystone is the actual loan</p> <p>14 company, and my belief is that Greystone sold that loan</p> <p>15 to Countrywide for it to be serviced by Countrywide.</p> <p>16 So if you are asking -- I don't know if you want to</p> <p>17 rephrase that question. But my belief is Greystone is</p> <p>18 who I went to to get the loan, and then they</p> <p>19 subsequently sold it off to Countrywide to be serviced</p> <p>20 by Countrywide.</p> <p>21 Q. Okay. And what's your basis for the belief</p> <p>22 that the loans were sold to Countrywide?</p> <p>23 A. I believe in my loan docs it actually</p> <p>24 says -- there's an actual cause -- clause in there that</p> <p>25 they would actually -- more than likely sell off the</p>	<p>22</p> <p>1 trying to collect the insurance and I have a zero</p> <p>2 balance, then how do I owe you \$70,000, and why are you</p> <p>3 selling it to Nationstar?</p> <p>4 Q. Okay. And then in the very next paragraph,</p> <p>5 No. 17, it talks about a letter you had sent to</p> <p>6 Nationstar in July of 2013. Did you send that letter</p> <p>7 because you believe Nationstar was going to try to</p> <p>8 collect on the account that you believe had a zero</p> <p>9 balance?</p> <p>10 MS. FULLER: Just to clarify, it doesn't</p> <p>11 mention a letter in that paragraph.</p> <p>12 MS. SCHMIDT: Oh, I apologize. Well, let me</p> <p>13 clarify that. Thanks.</p> <p>14 BY MS. SCHMIDT:</p> <p>15 Q. How did you contact Nationstar in July of</p> <p>16 2013?</p> <p>17 A. First I contacted their customer service line,</p> <p>18 then I researched on the Internet. They also have a</p> <p>19 CEO and president of Nationstar. I contacted that -- I</p> <p>20 believe her name was Sarah. They don't give your</p> <p>21 last -- they don't give their last name. I spoke with</p> <p>22 Sarah a couple of times. The problem that I had with</p> <p>23 all of this is during this time, not all of Bank of</p> <p>24 America's records were transferred to Nationstar. So</p> <p>25 Nationstar didn't even know who I was for like a month,</p>

<p>1 month and a half. So there were letters sent to them 2 with copies of my credit reports. There are also 3 numerous phone calls to customer service and to other 4 Nationstar reps as well, too.</p> <p>5 Q. So in July of 2013 you were contacting 6 Nationstar both by phone and also writing letters?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And going on to the next page, in 9 paragraph 22 it talks about Nationstar reporting to all 10 three Consumer Reporting Agencies that the account was 11 a charge-off with a balance owed of approximately 12 \$69,371. Do you see where it says that?</p> <p>13 A. Yes, I do.</p> <p>14 Q. Why do you believe that characterizing the 15 account as a charge-off was inaccurate?</p> <p>16 A. Because it was inaccurate.</p> <p>17 Q. What about that is inaccurate, specifically?</p> <p>18 A. It was being reported for almost four years as 19 a zero balance, and then all of a sudden when this 20 thing was sold, it now became a charge-off. And 21 according to my understanding of looking up, as far as 22 how a charge-off works, if this was going to be a 23 charge-off, it should have been charged off the first 24 year of when supposedly it went into a bad debt status, 25 not almost five years later.</p>	<p>25</p> <p>1 story because I have pretty bad knees going up and down 2 the stairs. It has been pretty painful. So at that 3 time I was trying to shop around and try to get into a 4 single-story home.</p> <p>5 Q. So you were -- it was to purchase a home?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And did you produce evidence of your 8 loan qualification to your attorney?</p> <p>9 A. Yes, I believe we -- I did.</p> <p>10 Q. Okay. In the property that you live -- the 11 two-story property where that you lived at at the time, 12 was that a rental property?</p> <p>13 A. No.</p> <p>14 Q. Did you own that property?</p> <p>15 A. No. My wife does.</p> <p>16 Q. When you were declined for the All Western 17 Mortgage loan, was it stated that it was specifically 18 due to credit reporting on that second mortgage?</p> <p>19 A. The letter I received in the subsequent credit 20 report was because -- yes, of the charge-off.</p> <p>21 Q. Do you recall approximately when you were 22 attempting to qualify for that loan and purchase the 23 house?</p> <p>24 A. I believe in the beginning of 2013.</p> <p>25 Q. And was there a specific property that you</p>
<p>26</p> <p>1 Q. And what did you research to determine that 2 you believed the charge-off was the incorrect 3 terminology?</p> <p>4 MS. FULLER: I'm just going to object on the 5 basis that he doesn't have specific legal knowledge.</p> <p>6 But you can go ahead and answer the question.</p> <p>7 It's calling for a legal conclusion.</p> <p>8 THE WITNESS: I looked over some decisions 9 from the IRS, specifically from Craig Whojaj 10 (phonetic), who is the Internal Revenue general 11 counsel, who discussed how charge-offs and how 12 subsequent reporting or collecting of charge-off debt 13 is to be handled. And as far as, in my mind, with the 14 negotiation that was done in 2010 and subsequent 15 reporting, zero balance meant a zero balance to me.</p> <p>16 BY MS. SCHMIDT:</p> <p>17 Q. Okay. Did you ever repay the loan in full?</p> <p>18 A. No, I did not.</p> <p>19 Q. Okay. In paragraph 24 on that same page, it 20 talks about mortgage loan through All Western Mortgage 21 that was declined after previously qualifying. Do you 22 see where it says that?</p> <p>23 A. Yes.</p> <p>24 Q. What were you obtaining that loan for?</p> <p>25 A. Trying to get out of a two-story into a single</p>	<p>26</p> <p>1 were going to buy or were you just kind of shopping 2 around at that time?</p> <p>3 A. I was shopping around because the inventory 4 was so low that, you know, when one popped up, I wanted 5 to get everything lined up so that if I needed to act 6 on it, I could write up a contract immediately on it.</p> <p>7 Q. Okay.</p> <p>8 A. So that was the whole reason of having the 9 pre-approval and having that completed.</p> <p>10 Q. Understood. Okay. So I am going to move on 11 to page 5.</p> <p>12 A. (Witness complies.)</p> <p>13 Q. In paragraph 29, you indicate that the 14 defendants violated 15 USC 1692(e)2 by representing the 15 debt was owed by plaintiff after confirming that 16 plaintiff had a zero balance. Can you describe to me 17 when those representations were made?</p> <p>18 A. Sure. The recorded phone call that 19 Bank of America recorded, and I had recorded, with the 20 office of the president with Dorie Galifman. I 21 believe that was July 13, 2013, where she admits at 22 least three times, to my knowledge, that I had a zero 23 balance. And then also the subsequent of almost four 24 years of zero balance credit reporting.</p> <p>25 Q. And I'm going to go -- and I apologize if this</p>

<p style="text-align: right;">29</p> <p>1 is repetitive, but I am going to go through some of 2 these questions, first for Bank of America, and then 3 for Nationstar --</p> <p>4 A. Okay.</p> <p>5 Q. -- just so that I have a clear understanding. 6 Who did Bank of America represent that you owed a debt 7 to? Or who was that representation made to?</p> <p>8 MS. FULLER: Can you restate that question?</p> <p>9 THE WITNESS: Yeah, I don't -- I don't -- 10 yeah, I don't understand it.</p> <p>11 BY MS. SCHMIDT:</p> <p>12 Q. Okay. Yes. It says that the defendants -- so 13 Bank of America violated this statute by representing 14 that a debt was owed by plaintiff. I'm trying to 15 determine who Bank of America made that representation 16 to.</p> <p>17 A. They made it to Nationstar for collection 18 purposes.</p> <p>19 Q. And now with respect to Nationstar 20 representing that you owed a debt after confirming the 21 zero balance, who did Nationstar make that 22 representation to?</p> <p>23 A. To all of my creditors, to all Western 24 Mortgage. All that now became pretty much public 25 knowledge at that point.</p>	<p style="text-align: right;">31</p> <p>1 loan application?</p> <p>2 A. No.</p> <p>3 Q. And so you knew that any implication that you 4 had made the fraudulent misrepresentation -- or a 5 fraudulent representation on your loan application was 6 not true?</p> <p>7 A. I never made any false statements on a loan 8 application.</p> <p>9 Q. Okay. In paragraph 34, it indicates that you 10 have suffered actual damages in the amount of excess of 11 \$1 million. What type of damages do you have in excess 12 of \$1 million?</p> <p>13 A. Depending on punitive damages and damages that 14 would be assessed by the court or a jury, the initial 15 damages that I calculated as of -- what was it, January 16 of 2016, I believe I was almost at \$400,000 in damages. 17 So looking at that and depending on what punitive 18 damages would be or any violations of the United States 19 Code that was mentioned above, depends on those 20 violations as well, too. Specifically, to every time 21 that Bank of America reported my credit, those 22 violations would have added up as well, including 23 additional penalties and damages as well.</p> <p>24 Q. In paragraph 33, you indicate that, The 25 defendants are motivated by enhanced profits. Do you</p>
<p style="text-align: right;">30</p> <p>1 Q. Okay. Do you know, is there presently, as we 2 sit here today, an issue with your credit reporting?</p> <p>3 A. No.</p> <p>4 Q. Can you estimate for me when all the credit 5 reporting issues were resolved?</p> <p>6 A. They started being resolved in December of 7 2014, and I believe January, February of 2015.</p> <p>8 Q. In paragraph 32, it indicates that defendant, 9 Bank of America, implied that you made fraudulent 10 representations on your original loan application. 11 When was that -- or how did they imply that?</p> <p>12 A. There was a letter by Leah Pordean (phonetic) 13 or something like that -- you have a copy of it in 14 discovery. And the insinuation was that I wasn't a 15 licensed realtor two years prior to the inception of 16 the loan, and that that was basically a false statement 17 on the loan application. I think that's what 18 she -- she also stated that because of that statement, 19 that apparently there was some kind of denial of 20 insurance or something like that.</p> <p>21 Q. And do you know who that individual made that 22 representation to?</p> <p>23 A. The letter was just addressed to me.</p> <p>24 Q. And when you received that letter, did you 25 believe you had made fraudulent representations on your</p>	<p style="text-align: right;">32</p> <p>1 see where it says that?</p> <p>2 A. Yes.</p> <p>3 Q. Can you describe your basis for that belief?</p> <p>4 MS. FULLER: Objection. Calls for a legal 5 conclusion.</p> <p>6 THE WITNESS: Well, in dealing with short 7 sales, you know, they've had numerous opportunities to 8 settle the mortgage crisis from 2008 that we 9 experienced out here, and they decided to foreclose on 10 people rather than do the right thing and actually take 11 fair market value for properties. That happened to me 12 over 250 times in dealing with short sale cases. So I 13 would say, yeah. They were absolutely motivated by 14 financial gain or enhanced profits.</p> <p>15 BY MS. SCHMIDT:</p> <p>16 Q. Do you believe that Bank of America profited 17 from their dealings with you?</p> <p>18 A. Absolutely.</p> <p>19 Q. How do you believe they profited?</p> <p>20 A. They received numerous bailouts from my tax 21 dollars. They received money from TARP, they were 22 given money from HAMP and HARP, they were also given 23 money from the new buyer. And there was also still 24 that nobody has proven to me that there was some type 25 of insurance on my loans, and they either attempted to</p>

<p>1 collect and received money on the first from what I was 2 told. So I still have not received any information 3 from Bank of America stating that they have taken a 4 loss on my property.</p> <p>5 Q. Have you requested information from 6 Bank of America that they have taken a loss?</p> <p>7 A. Numerous times. As a matter of fact, I 8 believe I even said that in recorded conversations with 9 Dorie Galfmaker, that how in the world are you able to 10 collect twice on the same debt, when she was admitting 11 to me that I had a zero balance, and that they were 12 collecting insurance at the same time, and selling off 13 the supposed \$70,000 debt to Nationstar? So you are 14 basically collecting twice on the same zero balance? 15 So, yes, I definitely believe that they were getting 16 enhanced profits off of that.</p> <p>17 Q. Do you believe that Nationstar profited from 18 their dealings with you?</p> <p>19 A. That I don't know. I don't have enough 20 information to make a conclusion on that. If they 21 charged off and the charge-off -- they could have 22 possibly gotten tax benefits off of the -- off of the 23 charge-off.</p> <p>24 Q. Okay. Turning on to page 6 of your complaint, 25 in paragraph 39 it says: Defendants failed to review</p>	<p>33</p> <p>1 that you clearly show you have a zero balance, and then 2 you do the reverse of that, then obviously they didn't 3 keep their word. And they also failed to investigate 4 the information that they were given.</p> <p>5 Q. And you indicated that the credit reporting 6 disputes that you had began to be resolved in December 7 of 2014; is that correct?</p> <p>8 A. Yes. For the Nationstar reporting, yes.</p> <p>9 Q. Okay. So eventually, with respect to 10 Nationstar, the credit reporting issue was corrected?</p> <p>11 A. Yes. After we filed our lawsuit.</p> <p>12 Q. And with respect to the credit reporting by 13 Bank of America, has that been corrected?</p> <p>14 A. Yes. They both -- after the lawsuit was 15 filed, both Bank of America and Nationstar actually 16 deleted all three of the trade lines. They don't show 17 up on my credit report anymore.</p> <p>18 Q. Turning to page 7 in paragraph 49, you 19 indicate that, Defendants provided false information to 20 the Consumer Reporting Agencies in or about April 2014. 21 Which of the defendants provided the false information 22 in April of 2014?</p> <p>23 A. Nationstar did when they reported the 24 charge-off as a major derogatory.</p> <p>25 Q. Did Nationstar make any false statements to</p>
<p>34</p> <p>1 all relevant information provided by the Consumer 2 Reporting Agencies.</p> <p>3 Why do you believe that the defendants didn't 4 review all the relevant information?</p> <p>5 A. Well, if they did, they wouldn't have reported 6 me negatively, number one. Number two, they wouldn't 7 have sold off a zero balance account to Nationstar 8 claiming that I owe \$70,000. I mean, 9 subsequently -- subsequently it wouldn't have reported me 10 duplicate times on my credit report.</p> <p>11 Q. And then in paragraph 40 it says: Defendants 12 failed to adequately conduct an investigation with 13 respect to the disputed information. Why do you 14 believe the defendants didn't adequately conduct an 15 investigation?</p> <p>16 A. Several points. Nationstar had submitted 17 several letters to my attorney and myself, and to 18 Senator Harry Reid's office, stating that they were 19 never going to report me, that I did, in fact, have a 20 zero balance. They weren't going to seek any further 21 collection or they were not going to report me 22 negatively on my credit. And then a couple of months 23 later, they did, despite all of that in writing. So if 24 you are obviously invest -- conducting an investigation 25 based on facts and evidence that's presented to you,</p>	<p>36</p> <p>1 you with respect to your loan?</p> <p>2 A. Absolutely.</p> <p>3 Q. And what are those false statements?</p> <p>4 A. Well, I think we have got at least six or 5 seven letters stating that I did, in fact, have a zero 6 balance, that they were not going to report me in the 7 future, nor were they ever going to attempt to collect 8 anything off of me. And those statements became false 9 the day in April of 2014, when they actually reported 10 to the credit bureaus that I was a major delinquent and 11 a charge-off, and that I owed \$69,371.</p> <p>12 Q. Did you know that the statements were false 13 that Nationstar had made to you?</p> <p>14 A. Yes.</p> <p>15 Q. Did Bank of America make any false statements 16 to you with respect to the second loan?</p> <p>17 A. Well, I mean, the false -- the false 18 statements would be towards Nationstar stating that 19 there's an outstanding debt. As far as a false 20 statement to me, no. I mean, they actually admitted 21 that I did have a zero balance.</p> <p>22 Q. And then the -- turning to the next page, page 23 8. Under -- it says, the fourth cause of action for 24 misrepresentation. Paragraph 57, again, states that: 25 Defendants provided false information to the Consumer</p>

<p>1 Reporting Agencies on or about April 2014. 2 So is your claim related to the false 3 information that both Bank of America and Nationstar 4 provided to the credit reporting agencies? 5 Well, there were -- there were subsequent 6 investigations after April 2014, which we turned over 7 to you in discovery where one of the three credit 8 bureaus -- I don't remember if it was Experian or 9 Equifax or TransUnion -- sent a letter in response 10 stating that Nationstar verified to us that the 11 information they provided is true and correct. And 12 then a couple of months later, they reversed that 13 position, and that's when they started to send me 14 letters, zero balance letters from Nationstar. 15 Q. So the misrepresentations that Nationstar was 16 making was to the credit reporting agencies? 17 A. Yes. That and those misrepresentations also 18 impacted me on all of my existing credit. Because 19 that's when all my credit was basically destroyed or 20 dropped. So like if I had a \$10,000 credit line, it 21 went down to \$4,000 or whatever the balance was. 22 Q. And Bank of America was making 23 misrepresentations to the credit reporting agencies and 24 Nationstar; is that correct? 25 A. The only time that Bank of America, that I can</p>	<p>37</p> <p>1 A. At some point, yes. They -- they changed it 2 from a closed zero balance, zero past due account to 3 now it being -- whether the terminology is active, I 4 don't know what they're going to say it is. But at 5 some point, they sold off that loan to Nationstar and 6 said, Hey, this guy owes \$69,371. Go ahead and collect 7 off of him. So, yeah, at some point I would think that 8 would be a misrepresentation. 9 Q. Okay. So they made -- Bank of America made a 10 false representation to Nationstar that this money was 11 owed and could be collected on? 12 A. Yes. 13 Q. Okay. And then Nationstar for -- moving on to 14 them. Their misrepresentations were to the credit 15 reporting agencies, that this is an active debt or a 16 charge-off? 17 A. Yes. I don't necessarily know if it was an 18 active debt, but they did charge it off -- 19 Q. Okay. 20 A. -- and reported it as such -- as an -- as a 21 charge-off of \$69,000. 22 Q. So Nationstar misrepresentation was that this 23 was a charge-off when you believe it was not? 24 A. Yes. Because Nationstar sent me letters 25 starting in September of 2013 clearly stating, Hey, we</p>	<p>39</p>
<p>1 recall, because I don't have any information in front 2 of me -- is when they started reporting it as a 3 transferred to -- I don't remember the exact 4 terminology. But I believe it was transferred for 5 collections and that was it. So it went from having a 6 zero balance closed account, previously past due zero 7 balance, everything zero -- zero history for four years 8 to now being labeled -- I don't know. Like in May or 9 June -- I don't remember the exact date. But then it 10 started showing that it was actually transferred for 11 collection purposes. So I don't know if that was 12 necessarily derogatory or anything else, but Nationstar 13 is the bulk of the negative reporting -- 14 Q. Did -- 15 A. -- in that timeframe. 16 Q. Did Bank of America make any false statements 17 or misrepresentations to you? 18 A. At what point? 19 Q. Well, I'm trying to understand the basis of 20 your misrepresentation cause of action. So I'm trying 21 to determine what these misrepresentations were and who 22 they were made to. So I think you indicated that 23 Bank of America's misrepresentation was that the loan 24 was active and could be transferred for collection; is 25 that correct?</p>	<p>38</p> <p>1 conducted an investigation, you are correct, you do 2 have a zero balance. We will not report you now or in 3 the future to any credit bureaus or credit reporting 4 agencies that you owe money. And I took that for face 5 value. And that was obviously September 2013 -- all 6 the way up to April 2014, but not including the 7 subsequent collection agency, Veripro Solutions, 8 getting involved as well, too. 9 MS. FULLER: Do you mind if we take a quick 10 break? 11 MS. SCHMIDT: Yes. Sure. 12 MS. FULLER: I just need to use the restroom. 13 MS. SCHMIDT: Yes. No problem. 14 (A short break was taken.) 15 BY MS. SCHMIDT: 16 Q. So we're back on the record. I think we were 17 last talking about the misrepresentations that 18 Bank of America and Nationstar had made. I am going to 19 move on to page 9 of your complaint. This is your 20 claim for civil conspiracy. In paragraph 64, it 21 indicates that defendants engaged in a successful 22 conspiracy to commit unlawful acts against plaintiff. 23 Why do you believe that Nationstar -- or 24 what's the basis for your belief that Nationstar and 25 Bank of America are working in concert?</p>	<p>40</p>

<p>1 MS. FULLER: Objection. Calls for a legal 2 conclusion.</p> <p>3 Go ahead.</p> <p>4 THE WITNESS: Well, I believe, in my opinion, 5 a conspiracy exists when two or more person -- or 6 persons get together to successfully -- whether this is 7 a civil action or criminal action, the whole basis of a 8 conspiracy is when two or more persons come together 9 trying to do something that they should not have done, 10 and that they may know is either illegal or immoral, 11 and they're successful with it by grouping together. 12 And, you know, one person tells another person -- or in 13 this case, one company tells another company that I owe 14 them money, when I do not, and they have proof of that. 15 Even though they ignore that proof and they still rely 16 on the -- Bank of America telling Nationstar that I owe 17 them money. So the conspiracy, I believe, is complete 18 when Nationstar failed to investigate my mortgage or 19 history or credit reports or any evidence that I had 20 and decided to run with it, and still charge me off, 21 even though they were basing their conclusions on 22 information that was not supplied to them.</p> <p>23 MS. FULLER: Are you done with the complaint?</p> <p>24 MS. SCHMIDT: Yes.</p> <p>25 \\</p>	<p>41</p> <p>1 suffered for the past year and a half to two years that 2 I have been fighting this, taking time off, gathering 3 the evidence, writing things out, scanning documents. 4 All of this has taken away time away from my business, 5 but more or less not having the ability to have credit 6 to advertise. The credit that was actually taken away 7 from me because of the negative credit ratings that I 8 received, I wasn't able to advertise like I normally do 9 for my business.</p> <p>10 Q. How did you calculate the \$102,000 figure?</p> <p>11 A. I did averages of my past 1099s and years of 12 what I made. And so I thought that was a fair way of 13 calculating what I would have made. And also, the 14 market has been stable out here. So talking to other 15 realtors in the valley, my broker, things like that, 16 there hasn't been a depreciation of buyers or sellers 17 or anything like that. So the market has been pretty 18 stable. So there should have been no reason why I 19 could not have continued to make what I made in the 20 past couple of years.</p> <p>21 Q. Okay. And then one other thing that I flipped 22 through is car lease extension due to loss of credit. 23 Can you describe that one for me?</p> <p>24 A. Yeah. My lease on my 2012 Mercedes was -- I 25 think it was due in -- oh, when was that? I gave you a</p>
<p>42</p> <p>1 BY MS. SCHMIDT:</p> <p>2 Q. I'm going to go through some of your damages 3 that you're claiming in this action. And one of them 4 was the loss of home loan and equity for \$230,000. Can 5 you describe for me which home loan and what equity you 6 are referring to?</p> <p>7 A. Well, if I would have successfully purchased a 8 home in 2013, let's say for \$180,000, that home right 9 now easily has appreciated 40 or \$50,000. So that loss 10 equity would have been built in if I had moved into 11 that house back in 2013 before all this transpired.</p> <p>12 Q. And I think you've already answered this, but 13 I can't remember the answer. Did you have a specific 14 property that you were going to purchase in that 15 timeframe?</p> <p>16 A. No, I did not.</p> <p>17 Q. And the second one is loss of business 18 opportunity for \$102,000. Can you describe to me the 19 business opportunity that was lost?</p> <p>20 A. Well, my business, since I'm self-employed, is 21 run on credit. So if I don't have credit to advertise, 22 like let's say on Zillow.com or, you know, some search 23 engine optimization or anything like that on my 24 website, I'm not obviously meeting new clients, I'm not 25 producing a good salary like I was. My business has</p>	<p>44</p> <p>1 copy. I forgot if it was in 2014. It was -- it was 2 due somewhere in 2014. And I had gone to Mercedes and 3 I said, Hey, what can I do now that my credit is 4 screwed up? Is that going to affect me? And they 5 said, Yes, it could. If you decide to buy the car, you 6 are going to have a higher interest rate. You know, 7 you are going to have higher terms based on your 8 credit. I said, Well, okay. Well, what other remedies 9 do I have? And the finance manager at Fletcher Jones 10 basically said to me, Why don't you just extend your 11 lease for a couple of months and see if that will 12 resolve your credit issues? So I just prepaid the six 13 month extension. So it was at \$2,300, \$2,400, 14 something like that.</p> <p>15 Q. And so did -- it's listed at about 16 \$3,299.32 --</p> <p>17 A. Or maybe that was that -- yeah. It was \$452 a 18 month times six, something like that.</p> <p>19 Q. Okay. So that --</p> <p>20 A. So whatever that -- whatever that figure is.</p> <p>21 Q. So that also includes the lease payment?</p> <p>22 A. Yeah.</p> <p>23 Q. Okay.</p> <p>24 A. Yes.</p> <p>25 Q. Then another thing that's -- well, let me ask</p>

<p>1 you this: Did you attempt to qualify for a loan at 2 that time to determine what the terms would have been 3 had you tried to purchase the car in 2014?</p> <p>4 A. From -- from all the people that I had talked 5 to, there would have been no reason to even try.</p> <p>6 Q. Okay.</p> <p>7 A. I went from, what, a 762 to a 601 or a 602. 8 It was that -- and the other thing, too, is since my 9 business started to decline, obviously I'm not making 10 money. So now I'm utilizing what's left on my credit, 11 so now my balances are a lot higher than what I had. 12 So I incurred more debt because I wasn't earning as 13 much. So I had all these negatives hit me at once.</p> <p>14 Q. The next one item is decrease of credit limits 15 in the amount of \$20,560. Can you describe for me 16 those damages?</p> <p>17 A. American Express had literally -- I think the 18 next day -- I think everything happened on -- what was 19 it, May -- or no. April 13th or something like that. 20 And then I want to say April 14th, I got an e-mail 21 alert from American Express, and I also got a letter in 22 the mail from them that says they had declined -- they 23 had decreased my credit limits. I'm trying to think. 24 U.S. Bank had also done it, Chase had done it. Oh, 25 there's a whole list of things that I provided to you</p>	<p>45</p> <p>1 \$29,605.13. Can you describe that for me? 2 A. Yes. Since my -- subsequent business wasn't 3 producing commission checks due to the limitations 4 imposed on me on the lower credit scores. My business 5 suffered. So, you know, my credit -- I was just using 6 credit to sub -- subsidize regular monthly expenses on 7 business and personal use, things like that. Since, 8 obviously, I didn't have income coming in --</p> <p>9 Q. Okay.</p> <p>10 A. -- to match what my normal income would have 11 been.</p> <p>12 Q. Do you have any other damages that you have 13 suffered that you can think of that weren't in that 14 list that we just went through?</p> <p>15 A. I want to say emotional stress, health issues 16 that I have. That doesn't really help matters.</p> <p>17 Q. Have you seen a doctor related to the 18 emotional stress or your health issues?</p> <p>19 A. Yeah. I'm actually under doctor's care for 20 numerous things.</p> <p>21 Q. And when did you begin seeing a doctor for the 22 emotional stress and health issues related to --</p> <p>23 A. Well, this is going back to 2011.</p> <p>24 Q. And did your doctors indicate that this 25 financial stress was one of the causes of your</p>
<p>46</p> <p>1 that can actually -- you can actually see the decreases 2 of credit from all of those.</p> <p>3 Q. Okay. So the \$20,560 figure is an aggregate, 4 like adding up of how much all your credit limits had 5 been lowered?</p> <p>6 A. Yes.</p> <p>7 Q. Okay.</p> <p>8 A. Yes.</p> <p>9 Q. And what did you use those credit limits for?</p> <p>10 A. Some of it's for business, some of it's for 11 personal use. It really depends. For advertising 12 costs, general business costs, buying of equipment, 13 computers, things like that.</p> <p>14 Q. The next item is loss of tax credits/interest 15 deductions on housing, \$10,400. Can you describe for 16 me what that is?</p> <p>17 A. I just calculated what an average new -- house 18 payment would have been and deducting the interest for, 19 what, a year, year and a half -- or whenever that 20 damage was assessed.</p> <p>21 Q. And that's if you would have purchased a house 22 back in --</p> <p>23 A. 2013, yes.</p> <p>24 Q. Correct. Okay.</p> <p>25 Then the next item is increased debt,</p>	<p>48</p> <p>1 symptoms?</p> <p>2 A. Yes.</p> <p>3 Q. And what were some of those symptoms?</p> <p>4 A. I have bronchitis related asthma that 5 sometimes can be stress induced. And I have had 6 several asthma attacks since. If I get overly 7 stressed -- I also suffer from Stage 2 kidney disease. 8 So I'm under that doctor's care. I also had my 9 gallbladder taken out. So I have subsequent stomach 10 related issues. So that -- if sometimes stress builds 11 up, I get severe stomach pains that are in relation to 12 the loss of my gallbladder.</p> <p>13 Q. With respect to the asthma, when were you 14 first diagnosed with asthma?</p> <p>15 A. I would guesstimate it was about -- it was when 16 I moved out here, but I would say -- I'm -- I'm 17 estimating 2006, 2007. Honestly, I don't remember an 18 exact timeframe.</p> <p>19 Q. With respect to the Stage 2 kidney disease, 20 when were you diagnosed with that?</p> <p>21 A. Once again, I would estimate 2012, 2013.</p> <p>22 Q. I apologize, but I don't know very much about 23 it. But does it start at Stage 1?</p> <p>24 A. No. It -- your symptoms like if -- like 25 Stage 5 is you're on dialysis weekly. So I'm Stage 2.</p>

<p>1 I'm Stage 2 because I had a near death experience, and 2 I was resuscitated twice and brought back to life and 3 all that good stuff. And subsequently, my kidneys did 4 not receive oxygen for about four and a half minutes 5 while they were resuscitating me, and so I had some 6 type of permanent kidney damage. Like a normal kidney 7 function is above 90. I'm at like 61. So that equals 8 like the Stage 2.</p> <p>9 Q. Okay. So the kidney disease resulted from 10 a -- like a near death experience?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And then the stress related to your 13 credit issues exacerbates some of the symptoms?</p> <p>14 A. It's more or less my stomach issues related to 15 the loss of my gallbladder and also my asthma. The 16 kidney's disease is unfortunately just a negative 17 outcome of -- of the gallbladder attack that I had and 18 the near death experience. So, yeah. I mean, it's 19 like one -- if one didn't happen, the other one 20 wouldn't have happened, obviously.</p> <p>21 Q. Okay. And then punitive damages are listed at 22 \$1,565,593.35. Did you calculate that?</p> <p>23 A. No.</p> <p>24 Q. And then lastly, statutory damages are listed 25 at \$126,000. Did you calculate that figure?</p>	<p>49</p> <p>1 zero balance?</p> <p>2 A. Yeah. Absolutely. If somebody tells me I 3 have a zero balance, I'm taking their word for it. 4 Plus the credit reporting that they did for almost four 5 years. So, you know, it -- to me, obviously that made 6 sense to me that I was done with this, that I was never 7 going to have to deal with this ever again. I had 8 dealt with it for -- from 2007 to 2010. But then from 9 2010 to 2013, everything, you know, was great. And 10 then July 2013 hit, and everything started falling 11 apart again. So in my mind I'm thinking, Is this ever 12 going to end? Why is it resurfacing when they have 13 been reporting me and telling me I had been -- I have a 14 zero balance? They put it in writing several times. 15 Even Nationstar put it in writing several 16 times saying, Hey, yeah, we agree with you. I mean, 17 the letters were pretty specific. They said very 18 clearly -- before they even charged me off, we were 19 talking, what, September 2013 all the way up to 20 April 2014, they agreed with me. So what is that? 21 That's four months -- that's almost, what, eight months 22 that they actually agreed with their letters, and then 23 all of a sudden something clicked. And then all of a 24 sudden, I now owe \$69,371.</p> <p>25 Q. Okay. And so now with Nationstar, can you</p>
<p>50</p> <p>1 A. I think I calculated some of it as far as the 2 credit violations go. I don't know about the actual 3 United States code related to the actual statute 4 damages.</p> <p>5 Q. Okay. And just kind of going back to some of 6 the allegations in your complaint where you indicated 7 that -- we'll start with Bank of America. 8 Bank of America made false statements. Were any of 9 those false statements made to you?</p> <p>10 A. Yeah -- well, depends on what you consider a 11 false statement. If somebody -- in my mind, I don't 12 think they were false statements. I think they were 13 true -- true statements. So it's kind of hard to 14 respond to that question. If somebody tells me I have 15 a zero balance, then I take their word for it, that 16 they're representing Bank of America, so I don't 17 necessarily think that would be a false statement.</p> <p>18 Q. Okay.</p> <p>19 A. So if you want to rephrase -- or the 20 question --</p> <p>21 Q. No. I was just trying to figure out the false 22 statements that were made and whether or not they were 23 made to you.</p> <p>24 And did you take any action in reliance on the 25 statements made by Bank of America to you regarding the</p>	<p>50</p> <p>52</p> <p>1 just sort of describe to me what are the false 2 statements that Nationstar has made to you?</p> <p>3 A. Well, the false statements would have been the 4 subsequent reporting of the major charge-off and 5 derogatories, and the false statements made to Veripro 6 Solutions, which was their internal collection agency. 7 And those would technically be false, especially when 8 they sent me letters saying that I had a zero balance.</p> <p>9 Q. Did you rely on the statements made by 10 Nationstar in any way? Did you take any action or --</p> <p>11 A. Yes. The action that I took was, you know, 12 keeping those letters stating I had a zero balance and 13 informing my attorney that they were going to resolve 14 this. That we -- you know, we're trying to resolve 15 this without going to trial or without going -- seeking 16 litigation, that we were trying to come up with 17 some type of resolution, which I felt that Nationstar 18 was trying to resolve those for me. And they're -- by 19 sending those letters, by the phone calls, the 20 different representatives that I worked with, that all 21 those statements were going to be true, but they later 22 turned out to be false statements.</p> <p>23 Q. Do you check your credit reports fairly 24 regularly?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">53</p> <p>1 Q. Can you estimate about how often you check 2 them?</p> <p>3 A. Since I have been dealing with this, I would 4 say once a month. I subscribe to a service that gives 5 me alerts. That's how I discovered the charge-off from 6 Nationstar, was through an e-mail alert. So I monitor 7 my credit for years.</p> <p>8 Q. Okay.</p> <p>9 A. So, yeah, I'm pretty informed on that.</p> <p>10 Q. So even before all this happened, you had 11 monitored your credit fairly closely?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And I just have a couple more things. 14 So don't be --</p> <p>15 A. Hey, it is what it is.</p> <p>16 Q. -- put off by the paperwork in front of you. 17 But I want to just go through the letters. And so they 18 start on the Bates number in the -- on the bottom 19 right-hand corner. It starts at BONDI RFP3-000001.</p> <p>20 A. Which folder is it in?</p> <p>21 Q. I believe it will be in the first one.</p> <p>22 A. Okay. So, I'm sorry. So it's RFP -- which 23 one?</p> <p>24 Q. 3 -- it might be pretty deep in there, too.</p> <p>25 A. 3 -- okay. I'm on the 345.</p>	<p style="text-align: right;">55</p> <p>1 both.</p> <p>2 Q. Okay. Did you ever speak to -- I'm going to 3 guess on this name, Laquinte Proby.</p> <p>4 MS. SCHMIDT: And for the court reporter 5 that's L-a-k-u-i-n-t-e, last name Proby, P-r-o-b-y.</p> <p>6 MS. FULLER: It's actually Q-u. You said K.</p> <p>7 BY MS. SCHMIDT:</p> <p>8 Q. Oh, Q-u. I apologize.</p> <p>9 A. I honestly do not recall speaking to her. I 10 could have. I mean, I have spoken with a lot of 11 people. But I don't recall her specifically.</p> <p>12 Q. And then on the next page, Bates stamped BONDI 13 RFP3-2, this appears to be a letter to Leslie Lewis 14 with Senator Harry Reid's office. Did you contact 15 Senator Harry Reid's office to assist you with the 16 issues you were having?</p> <p>17 A. Yes, I did.</p> <p>18 Q. And do you recall on this letter whether you 19 received it by mail or e-mail, or both?</p> <p>20 A. I would want to say the bulk of the letters I 21 believe came in via U.S. mail from Nationstar. Some 22 did come from e-mail, but I don't remember particularly 23 on this one.</p> <p>24 Q. And I'm looking on the second page. It's 25 signed by a Crystal Wills, W-i-l-l-s.</p>
<p style="text-align: right;">54</p> <p>1 Q. Okay. So it will be a little bit before that 2 I think.</p> <p>3 A. Oh. What was the number again?</p> <p>4 Q. RFP3-000001.</p> <p>5 A. Okay.</p> <p>6 MS. FULLER: Smaller binders would have been 7 better.</p> <p>8 MS. SCHMIDT: Yes. I agree with that 9 assessment.</p> <p>10 MS. FULLER: You weren't kidding when you said 11 there were a lot of documents there.</p> <p>12 BY MS. SCHMIDT:</p> <p>13 Q. All right. So let's see. I'm trying to find 14 the -- well, I guess I will just start at the beginning 15 and kind of briefly go through all the letters.</p> <p>16 So the first letter is dated June 12, 2014. 17 And it indicates -- it's essentially confirming receipt 18 of correspondence on May 15, 2014. Do you recall if 19 you received this letter by mail or electronically?</p> <p>20 A. I believe I got this in the mail.</p> <p>21 Q. And did you ever --</p> <p>22 A. Or by e-mail, too -- I think.</p> <p>23 Q. Okay.</p> <p>24 A. I mean, it's got the correct address and it's 25 got my e-mail at the bottom, so it could have been</p>	<p style="text-align: right;">56</p> <p>1 A. Yes.</p> <p>2 Q. Did you have any contact with Crystal Wills?</p> <p>3 A. I believe I did. Her name does sound familiar 4 to me. I believe she sent me several correspondence 5 and I -- I think I might have talked to her on the 6 phone. I don't remember 100 percent if I did or not.</p> <p>7 Q. Okay. I'm going to skip ahead. Going to 8 what's marked as BONDI RFP328. I'm paging through 9 these. It's Bates stamped 28 through 35. They appear 10 to be screen shots from an e-mail. Were these e-mails 11 that you had received?</p> <p>12 A. Yes.</p> <p>13 Q. And are these the e-mails that you were 14 referencing, the secured e-mails that you no longer 15 have access to?</p> <p>16 A. Yes. It's -- it's kind of hard for me to say 17 100 percent that they are or they aren't, just because 18 I can't access them. So I don't know specifically if 19 they are those e-mails or not, because it locks me out 20 of it. And I can't -- the only way I was even able to 21 do this was to do a screen shot of it because the 22 e-mail is so old that it won't open up in the newer 23 mail client that I am using. So I had to literally do 24 a screen shot of it and save it as a JPEG to get to 25 that result.</p>

<p>1 Q. Okay. And then so the next letter would be 2 RFP3-36. And this letter is dated September 6, 2013. 3 Do you recall if you received this letter by e-mail or 4 U.S. mail? 5 A. I believe both. When I dealt with David, him 6 and I e-mailed each other a lot, and he also sent me 7 correspondence via U.S. mail. 8 Q. And do you recall the timeframe that you 9 received this letter? 10 A. It's dated December 6, 2013. So that would 11 probably be somewhere right around -- somewhere in the 12 middle of September, maybe, or sooner. 13 Q. And did you contact David in response to 14 receiving this letter, David Grasham (phonetic)? 15 A. Grasham, yeah. Him and I had numerous phone 16 calls and e-mails together. He was supposed to be my 17 point of contact with Nationstar. There was somebody 18 else -- I want to say his name was Snow or somebody, I 19 forget, but he didn't work for Nationstar or anything 20 like that. And then they transferred me to David. So 21 it was David, and then I think his manager is John 22 Scott that I was communicating with. 23 Q. Then the next one on RFP3-37 -- 24 A. Uh-huh. 25 Q. -- it's a letter dated May 27, 2014, signed by</p>	<p>57</p> <p>1 A. He -- I believe he called me and he also -- he 2 e-mailed me this letter. 3 Q. Okay. 4 A. And I think I might have talked to him once or 5 twice on the phone, but he e-mailed me this letter. 6 And then he also sent it in the mail as well, too. 7 Q. And do you recall -- did you receive this 8 letter in response to a request, a request from you? 9 Did you request that he send you something in writing 10 about your account? 11 A. Yes, I did. I requested it when Nationstar 12 told Veripro that, Hey, you owe \$69,596.26. That's 13 when I started reaching out to Veripro and sent 14 certified letters to Veripro saying, Hey, hold off. 15 Here are the letters from Nationstar that clearly said 16 I don't owe anything. Can you please rectify this? 17 And that's when talking to some of Veri -- I don't 18 remember the Veripro reps by name, but I know I 19 definitely spoke with Phillip at least twice on the 20 phone. And he said he would correct this, and send me 21 a letter stating that I had a zero balance. 22 Q. Have you produced all the evidence that you 23 have against Bank of America and Nationstar in this 24 case to your attorney? 25 A. Yes. To my knowledge, yes.</p>
<p>58</p> <p>1 Crystal Wills. Did you have contact with Crystal 2 around the time that you received this letter? 3 A. Like I said, her name is familiar. I -- 4 honestly, I could have or I could not have. I -- I 5 honestly don't remember. I definitely know that I 6 spoke with David and I definitely spoke with John, and 7 I also spoke with a lady in the Office of the 8 president named Sarah. As far as anybody else from 9 Nationstar, I probably did. But I -- like I said, I 10 have spoken to so many people. I don't want to say 11 100 percent yes to something. 12 Q. Okay. All right. Do you recall having 13 contact with a John Scott? 14 A. Yes. 15 Q. Did you e-mail with John Scott or did you 16 call, or both, or what do you recall? 17 A. I think it was both. 18 Q. Okay. And the last one that I would like to 19 ask you about is RFP3-43. This is dated January 13, 20 2014, from Veripro Solutions, V-e-r-i-p-r-o. And it's 21 signed by a Phillip Livingston. Did you have contact 22 with Phillip Livingston during this time frame? 23 A. Yes, I did. 24 Q. And would you e-mail Phillip or call him, or 25 both?</p>	<p>60</p> <p>1 Q. Okay. So there's no other documents or 2 anything that you have in your possession that you 3 haven't produced? 4 A. No. 5 Q. Okay. 6 MS. SCHMIDT: I don't have any other 7 questions. 8 MS. FULLER: Okay. 9 MS. SCHMIDT: You're all set. 10 THE WITNESS: Cool. 11 MS. SCHMIDT: All right. Thanks. 12 I'm going to take an electronic copy. 13 MADAM REPORTER: Did you want a copy, 14 Ms. Fuller? 15 MS. FULLER: Yes. And he will review and 16 sign. 17 (Thereupon, the deposition concluded at 18 12:12 p.m.) 19 20 21 22 23 24 25</p>

1 CERTIFICATE OF REPORTER

2 STATE OF NEVADA)
3 COUNTY OF CLARK)
4 I, Michelle R. Ferreyra, a Certified Court
5 Reporter licensed by the State of Nevada, do hereby
6 certify: That I reported the deposition of MICHAEL
7 BONDI, commencing on WEDNESDAY, MARCH 9, 2016, at
8 10:36 a.m.

9 That prior to being deposed, the witness was
10 duly sworn by me to testify to the truth. That I
11 thereafter transcribed my said stenographic notes into
12 written form, and that the typewritten transcript is a
13 complete, true and accurate transcription of my said
14 stenographic notes, and that a request has been made to
15 review the transcript.

16 I further certify that I am not a relative,
17 employee or independent contractor of counsel or of any
18 of the parties involved in the proceeding, nor a person
19 financially interested in the proceeding, nor do I have
20 any other relationship that may reasonably cause my
21 impartiality to be questioned.

22 IN WITNESS WHEREOF, I have set my hand in my
23 office in the County of Clark, State of Nevada, this
24 21st day of March, 2016.

25



MICHELLE R. FERREYRA, CCR No. 876